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October 25, 2007

VIA FACSIMILE

Honorable Charles L. Briant, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Platinum Mechanical, LLC
v.
United States Surety, et al.
Docket # 07 Civ. 3318 (CLB)
File # 954.002

RECEIVED

Application Granted
So Ordered
Oct 31, 2007
Charles L. Briant
11587

Dear Judge Briant:

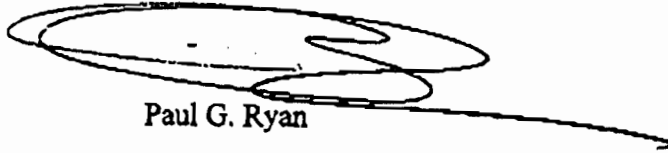
In furtherance of my call to chambers, please note that we seek an extension of time for discovery in the above-noted matter. We are currently operating under a June 22, 2007 Civil Case Discovery Plan and Scheduling Order, a copy of which is attached for your reference. Since that time, defendant, The CFP Group, has joined via counterclaim Platinum's surety, Utica Mutual Insurance Company, as a counterclaim defendant. Utica Mutual interposed an answer on October 9, 2007, and subsequently filed a motion for summary judgment on October 24, 2007.

Depositions are scheduled to be completed by October 31, 2007. Given the recent joinder and motion, this will not occur. I would respectfully suggest that the cutoff for depositions be moved to November 30, 2007 with further interrogatories and notices to admit by December 15, 2007 and discovery complete by January 14, 2008. I have contacted all counsel, and all have consented to submission of this request.

WELBY, BRADY & GREENBLATT, LLP
ATTORNEYS AT LAW

Thank you for your attention to this matter, we will await your directive.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Paul G. Ryan", with a long horizontal flourish extending to the right.

cc: John C. Mezzacappa, Esq.
Mound Cotton, et al.

Thomas G. DeLuca, Esq.
DeLuca & Forster

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. January 2006

-----X
THE UNITED STATES for the Use and Benefit of
Platinum Mechanical, LLC,

Plaintiff(s),

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

- against -

07 Civ. 3318 (CLB) (LMS)

UNITED STATES SURETY COMPANY, US
SPECIALTY INSURANCE COMPANY and THE
CFP GROUP, INC.,

Defendant(s).

-----X

This Court requires that this case shall be ready for trial on or after December 21, 2007.

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) (~~is not~~) to be tried to a jury.

Joinder of additional parties must be accomplished by 8/1/07.

Amended pleadings may be filed until 9/1/07.

Discovery:

1. Interrogatories are to be served by all counsel no later than 8/1/07, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 (shall) (shall not) apply to this case.

2. First request for production of documents, if any, to be served no later than 8/1/07.

3. Depositions to be completed by 10/31/07.

- a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
- b. Depositions shall proceed concurrently.
- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
- d. If the defense of qualified immunity from suit as a matter of law has been or will be asserted by any defendant(s) with respect to any claim(s) in the case, counsel for any such defendant(s) shall, within thirty (30) days of this order depose plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity. Within thirty (30) days thereafter defendant(s) shall serve consistent with Local

Rule 6.1 and file a motion under Rule 12(c) or Rule 56, returnable on a date posted in the New York Law Journal by Judge Brieant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.

4. Any further interrogatories, including expert interrogatories, to be served no later than 11/5/07.
5. Requests to Admit, if any to be served no later than 11/5/07.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by 12/1/07.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.

Next Case Management Conference 12/14/07 9⁰⁰
(This date will be set by the Court at the first conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Lisa Margaret Smith, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plains, New York

Jan 22, 2007

Charles L. Brieant
Charles L. Brieant, U.S.D.J.